

From: ["Hodgkiss, Miranda"](#)
To: ["Hunter, Christopher" <Hunter.Christopher@epa.gov>](#)
Date: 4/26/2018 5:39:15 PM
Subject: RE: Deschutes 1-pager

Hi Chris,

Please see my attached comments. Feel free to call if you have questions. Dave will be checking emails tomorrow morning, but may or may not be able to review this tomorrow. He is in the office Monday.

Thanks,

Miranda Hodgkiss

Office of Water and Watersheds

U.S. EPA Region 10

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From: Hunter, Christopher
Sent: Thursday, April 26, 2018 2:52 PM
To: Hodgkiss, Miranda <Hodgkiss.Miranda@epa.gov>
Subject: Deschutes 1-pager

Thanks for your voicemail Miranda, it was very helpful. Attached is what I put together for John Goodin, mostly based on past updates and your new information. It would be great if you could take a look and let me know any changes I should make, or useful information that can be added. After that, Jim H would like me to send the draft to OGC and Dave C (do you know if he's in the office tomorrow or Monday?) for their review before we give it to John.

Thanks for your help,

Chris

Chris Hunter

202.566.1454

Watershed Branch, Office of Water

US Environmental Protection Agency

Draft / Deliberative, 4/26/18

Deschutes TMDL & Litigation

Background

The Deschutes River, Percival Creek, and Budd Inlet Tributaries (Phase 1) TMDL study area is located in south Puget Sound and is situated within the boundaries of Thurston and Lewis Counties, Washington.

The Washington Department of Ecology submitted the final Phase 1 Deschutes TMDL to EPA for approval on December 17, 2015¹. The TMDL addresses 73 Water Quality Limited Segments (WQLS) impaired by five pollutants (temperature, dissolved oxygen [DO], pH, fecal coliform, and fine sediment).

On September 6, 2017, Northwest Environmental Advocates (NWEA) filed a complaint against EPA alleging violation of section 303(d)(2) of the Clean Water Act (CWA) for failure to act on the Deschutes River TMDL submission. Section 303(d)(2) requires EPA to either approve or disapprove a state's TMDL submission within 30 days of submittal.

Litigation

As part of the ongoing litigation, EPA has stated in briefs that we will act on the Deschutes TMDL by June 29, 2018. The case is now fully briefed and we are awaiting the court's reply, which will either grant ~~out our~~ request to stay the case until June 29, or render a summary judgement that EPA must act by June 29.

Current Status

The CWA requires EPA to either approve or disapprove state-submitted TMDLs, and if we disapprove a TMDL, we are required to develop a replacement TMDL within 30 days. (b) (5)

(b) (5)

Next Steps

A briefing on the proposed TMDL decisions for the RA is currently scheduled for May 21st. Following that briefing, the Region will coordinate with HQ OWOW staff on background/briefing materials for AAOW. Once final decisions have been made on the TMDL, the Region will need to work quickly with HQ and the state on the disapproved segments to determine how replacement TMDLs will be developed.